

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 DEC -7 PM 1:34
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
07 MJ 2835
DEPUTY

UNITED STATES OF AMERICA)

VS.)

Angel Duran)

Magistrate Judge Case No.

COMPLAINT FOR VIOLATION OF:

21 U.S.C. S 952 & 960

Importation of a Controlled Substance

The undersigned complainant being duly sworn states:

COUNT ONE

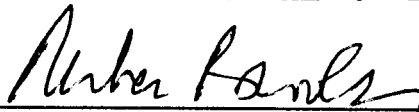
On December 6, 2007, within the Southern District of California, Angel Duran did knowingly and intentionally import approximately 28.60 Kilograms (62.92 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Signature of Complainant
Special Agent, U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence this 7th day of December, 2007.



UNITED STATES MAGISTRATE JUDGE

1/13

PROBABLE CAUSE STATEMENT

I, Special Agent Estela Clark, declare under penalty of perjury, the following is true and correct:

On December 6, 2007, at approximately 11:48 a.m., Angel DURAN entered the United States from the Republic of Mexico via the San Ysidro (California) Port of Entry (POE). DURAN was the driver and sole occupant of a red 1994 Volvo 850 bearing California license plate 4PNB956.

At approximately 11:48 a.m., on December 6, 2007, Customs and Border Protection Officer (CBPO) McDaniel was performing primary operations when he was approached by DURAN. DURAN stated that he was a United States citizen by birth. CBPO McDaniel asked DURAN to turn off the vehicle and to hand him the keys. DURAN complied and handed CBPO McDaniel one single key with an alarm remote attached to it by a single black zip tie. CBPO McDaniel received two negative Customs declarations from DURAN and further asked him if he was the owner of the vehicle. DURAN stated that the vehicle belonged to his brother-in-law, James Tusing. CBPO McDaniel asked for canine unit assistance and Canine Enforcement Officer (CEO) Eiichiro Ninomiya responded. After a few moments, DURAN was escorted to the Security Office and the vehicle was taken to the Secondary Lot for further inspection.

On December 6, 2007, also at approximately 11:48 a.m., CEO Ninomiya was conducting pre-primary K-9 roving operations at the San Ysidro POE.

CEO Ninomiya responded to a K-9 screen request at primary lane #8 and "Cora" (CG-39), his Human and Narcotic Detector Dog alerted positively to the passenger side dash area of a red Volvo 850 with California license 4PNB956.

On December 6, 2007, at approximately 12:00 p.m., CBPO Dario Flores was assigned to conduct a 7-point inspection of the vehicle. CBPO Flores discovered 17 packages concealed in the dashboard of the vehicle and another 4 packages concealed in the front bumper. CBPO Flores removed a total of 21 packages from the vehicle with a total weight of 28.60 Kilograms (62.92 pounds). CBPO Flores probed a random package and removed a green leafy substance, which field-tested positive for marijuana.

On December 6, 2007, at approximately 2:30 p.m., Special Agent (SA) Estela Clark read DURAN his rights per Miranda in the English language, as witnessed by SA Lester McDaniel. At approximately 2:45 p.m., DURAN invoked his right to consult with an attorney. DURAN was subsequently transported to the Metropolitan Correctional Center. DURAN is now pending federal prosecution.